

## EIS and Rtl Provisions IDEA 2004

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## Goals of EIS- Congressional Intent (IDEA 2004)

“(5) Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by ... providing incentives for whole-school approaches, scientifically based early reading programs, positive behavioral interventions and supports, and early intervening services to reduce the need to label children as disabled in order to address the learning and behavioral needs of such children;

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## Coordinated Early Intervening Services (EIS)

- 15 % IDEA Flow-through \$ permitted
  - Required for disproportionality
- Coordinated Services
- Students K-12 with emphasis in K-3
- Not disabled but need additional academic or behavioral support
- Intended to supplement NCLB

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## Early Intervening Services Sec.613(f)

An LEA **may** not use more than 15% of the amount...(it) receives under this part ...to develop and implement **coordinated, early intervening services...** for students in **kindergarten through grade 12** (with particular emphasis on students in kindergarten through grade 3)...

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## Early Intervening Services Sec.613(f)

...who do **not** meet the definition of a child with a **disability...** but who **need additional academic and behavioral support to succeed in a general education environment.**

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## Early Intervening Services Include

- Professional development
- Educational and behavioral evaluations, services and supports including scientifically based literacy instruction
- Interagency financing structure for the provision of such services and supports

Sec.613(f)

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### DPI Guidance Use of EIS Funds

- 15% means 15% of 2005-2006 IDEA flow-through allocation
- Proceed with caution
  - The department will be required to enforce any new requirements contained in final federal regulations related to this provision
- See "Interim Guidance to LEAs- Early Intervening Services" <http://www.dpi.wi.gov/sped/doc/grt-15percent.doc>

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### Definition of Response to Intervention (RtI)

**RtI is the practice of:**

1. Providing high-quality instruction/ intervention matched to student needs.
2. Using learning rate over time and level of performance to
3. Make important education decisions.

Source: Belsche et. al. (2005). *Response to Intervention: Policy Considerations and Implementation*. National Association of State Directors of Special Education.

**RtI applies to the full range of educational options- core instruction, selected (supplemental) options and targeted (intensive) options**

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### Foundations for RtI in IDEA

- 613(f) Coordinated Early Intervening Services
  - scientifically based academic instruction and behavioral interventions,
  - educational and behavioral evaluations, services and supports including scientifically based literacy instruction.

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### Foundations for RtI in IDEA Evaluation and Eligibility Determination

- Screening to determine appropriate curricular instructional strategies is not special education evaluation. §614(a)(1)
- The local educational agency shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information. §614(b)(2)

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### Foundations for RtI in IDEA Evaluation and Eligibility Determination

- Assessment tools and strategies provide relevant information that directly assists persons in determining the educational needs of the child §614(b)(3)
- A child shall not be determined to be a child with a disability if the determinant factor for such determination is--
  - lack of scientifically based instruction in reading;
  - lack of instruction in mathematics; or
  - limited English proficiency. §614(b)(5)

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### Foundations for RtI in IDEA Evaluation and Eligibility Determination

As part of an initial evaluation and reevaluation the IEP Team shall review existing evaluation data on the child, including current classroom-based, local, or State assessments, and classroom-based observations.

§614(c)(1)

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### Foundations for RtI in IDEA Evaluation and Eligibility Determination

In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures

§614 (b)(6)

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### RtI and SLD Eligibility

- No change in the definition of SLD
- New Provisions
- ...when determining whether a child has a specific learning disability, a local educational agency shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability

Sec. 614 (b)(6)<sup>14</sup>

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### RtI and SLD Eligibility cont.

In determining whether a child has a specific learning disability, a local educational agency **may** use a process that determines if the child responds to scientific, research-based intervention as a **part of** the evaluation procedures

Sec. 614 (b)(6)

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### RtI and SLD Eligibility cont.

- General exclusions continue to apply
  - Lack of scientifically-based instruction in reading or mathematics
  - Limited English proficiency
- Specific exclusions continue to apply
  - achievement delay(s) primarily due to:
    - Environmental, cultural, or economic disadvantage
    - Insufficient instruction in reading or mathematics

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### RtI and Special Education

As a part of the special education evaluation process, RtI can be used to:

- Evaluate response to prior intervention and consider exclusions
- Identify current levels of performance in the general education curriculum
- Analyze discrepancy between current and expected levels of performance
- Make decisions about the need for special education based on amount and intensity of intervention needed to make or sustain progress

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### Eligibility Decisions within an RtI Model – One Option

- Level Difference
- Rate of Difference
- Documentation of Adverse Impact (need for special education)
- Exclusions

Source: Batsche et. al. (2005)

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### Current DPI Guidance on Rtl

- New provision is permissive for LEAs
- No OSEP regulations yet
- DPI task force is considering the research and will make recommendations

*As we wait ... congressional intent was not to have "radical differences in how LEAs determine the presence of SLD". States are "not prohibited from establishing a consistent statewide process" for determining SLD. (Senate Report 108-185, 108th Congress, November 3, 2003 pp. 26-27)*

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### Current DPI Guidance on Rtl

- DPI Guidance will be completed after federal regulations are issued.
- Districts are strongly encouraged to continue using existing eligibility criteria while final regulations are pending.
- IEP teams must address all eligibility criteria related to SLD identification.
- See Petska Memo, March 2006  
<http://www.dpi.wi.gov/sped/doc/ld-rti-guidance.doc>

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### Other Potential Applications of Rtl in Special Education

- Following determination of eligibility and need for special education, Rtl could be used to:
  - Specify present level of performance
  - Identify appropriate goals and evidence-based special education options
  - Measure progress toward IEP goals
  - Analyze degree of effectiveness of IEP services

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### DPI Contacts on Rtl

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